



PATENT
G2622-908496

DAC
JFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of: Allen Y. TIEN

Application Serial No: 09/539,772

Filing Date: March 31, 2000

Title: System and Method for Indexing Test Events

Group Art Unit: 2175

Examiner: J. Veillard

Confirmation No.: 9392

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Mail Stop: **PETITIONS**

RENEWED PETITION UNDER 37 C.F.R. § 1.137(b)

SIR:

Petitioner respectfully requests reconsideration of the Decision, mailed on November 12, 2004, dismissing the Petition to Revive the above-identified application filed on September 22, 2004.

Petitioner submitted formal drawings of Figures 1 and 2 on September 22, 2004. In response to the Decision, and in accordance with the Notice of Draftsperson's Review (PTO-948) cited therein, corrected formal drawings of Figures 1A, 1B, 3A, 3B, 4, 5, 6A and 6B have been filed concurrently herewith. Accordingly, Petitioner submits that the outstanding requirements have been satisfied, and that the Renewed Petition should be granted.

Prior to issuance, however, Petitioner respectfully requests that the Office cancel Figures 1A, 1B, 3A, 3B, 4, 5, 6A and 6B. In response to a non-final Office Action mailed on May 9, 2002, the inventor filed a *pro se* Amendment on November 11, 2002, which amended the specification, replaced Figure 2 and added new Figures 1A, 1B, 3A, 3B, 4, 5, 6A and 6B. In a final Office Action mailed on January 16, 2003, the amendments to the specification, as well as Figures 1A, 1B, 2, 3A, 3B, 4, 5, 6A and 6B, were objected to under 35 U.S.C. § 132 as containing new matter. Applicant's representative filed an RCE with Amendment on June 30, 2003, which amended the specification to conform to the originally-filed specification in order to overcome the § 132 objection. Due to an unfortunate oversight, however, Figure 2 was not replaced and Figures 1A, 1B, 3A, 3B, 4, 5, 6A and 6B

were not canceled to overcome the § 132 objection. Cancellation of Figures 1A, 1B, 3A, 3B, 4, 5, 6A and 6B is therefore respectfully requested. Petitioner notes that the specification of record refers only to Figures 1 and 2, and respectfully submits that the Notice of Allowability indicating that the drawings filed on November 11, 2002 are acceptable, subject to correction of informalities, contradicts the § 132 objection set forth within the non-final Office Action.

Should the Office decide against cancellation of Figures 1A, 1B, 3A, 3B, 4, 5, 6A and 6B as requested herein, Petitioner respectfully requests that cancellation of these figures be considered and entered under 37 C.F.R. § 1.312, in conjunction with a Petition to Suspend the Rules, under 37 C.F.R. § 1.183, to address the filing of a Rule 312 Amendment after payment of the Issue Fee.

If any extension of time is required in connection with the filing of this paper and has not been requested separately, such extension is hereby requested.

The Commissioner is hereby authorized to charge any fees and to credit any overpayments that may be required by this paper under 37 C.F.R. §§ 1.16 and 1.17 to Deposit Account No. 50-1165.

Respectfully submitted,

January 6, 2005

Miles & Stockbridge P.C.
1751 Pinnacle Drive, Suite 500
McLean, Virginia 22102
(703) 903-9000

By: _____



Adam M. Treiber
Reg. No. 48,000

#9256730v1